



April 26, 1999

Mr. John S. Schneider, Jr.
First Assistant City Attorney
City of Pasadena
P.O. Box 672
Pasadena, Texas 77501

OR99-1108

Dear Mr. Schneider:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124488.

The City of Pasadena (the "city") received a request for a "copy of all records and documents reviewed by Mayor Isbell to determine that the confiscation of six (6) vehicles and one (1) storage container from 118 Carl on 1/28/99 was in accordance with the Pasadena Junked Vehicle Ordinance." You claim that the requested information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim.

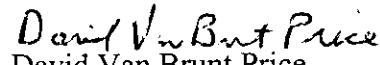
Pursuant to section 552.301(b), a governmental body is required to submit to this office (1) general written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, and (3) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents.

Pursuant to section 552.303(c) of the Government Code, this office notified you by facsimile dated April 5, 1999, that you had failed to submit the information required by section 552.301(b), specifically a copy of the requested information. We requested that you provide this information to our office within seven days from the date of receiving the notice. The notice further stated that under section 552.303(e) failure to comply would result in the legal presumption that the information at issue was public. *See* Open Records Decision No. 497 (1988) (fact that submitting copies for review to the Attorney General may be burdensome does not relieve a governmental body of the responsibility of doing so). As of the date of this letter, you have not provided our office with the information that was requested. Therefore, as provided by section 552.303(e), the information that is the subject

of this request is presumed to be public. In the absence of a demonstration that the information is confidential by law or that other compelling reasons exist as to why the information should not be made public, you must release the information in your possession to the requestor. Open Records Decision No. 195 (1978). *See also* Gov't Code § 552.352 (the distribution of confidential information is a criminal offense).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,


David Van Brunt Price
Assistant Attorney General
Open Records Division

DVP/nc

Ref: ID# 124488

Encl: Submitted documents

cc: Mr. Michael Gleason
118 Carl
Pasadena, Texas 77506
(w/o enclosures)